



The EAGLE

Issue No. 36

A Newsletter Published by the U.S. Attorney's Office, District of Minnesota

Spring, 2011

Inside this Edition

Identity Theft

Page 1

U.S. Attorney's Column

Page 1

Tips for Thriving in Tough Times

Page 2

Project Exile

Page 4

Indian Country News

Page 6

ICE

Page 8

Health Care Fraud

Page 9

Civil Rights

Page 10

Crime Victims' Rights

Page 11

Upcoming Training

Page 12

Identity Theft

On March 9, 2011, the United States Attorney's Office for the District of Minnesota charged twelve people with orchestrating a \$10 million bank fraud conspiracy. The conspiracy operated nationwide for five years and involved a network of bank employees and others. Through that network, stolen identification information was bought and sold, and then network participants used that information to acquire counterfeit identification, which they employed to open fraudulent bank and credit card accounts, apply for loans, and obtain cash. During this time period, one defendant possessed, stored, and trafficked the identification documents of more than 7,000 people, intending to use those documents to commit fraud.

This case, one of the largest of its kind in the Midwest, is a reminder of the breadth of damages and amount of havoc inflicted upon victims of identity theft. In 2010, an estimated 8.1 million Americans were victims of identity theft, causing total losses of \$37 billion. Therefore, the U.S. Attorney's Office remains committed to prosecuting crimes involving identity theft very aggressively.

The federal identity theft statute prohibits eight types of conduct involving the fraudulent creation, use, or transfer of identification documents and the criminal transfer, possession, or use of identification information. The most commonly prosecuted provision states that it is a federal crime to transfer, possess, or use, without lawful authority, the identification of another with the intent to commit or aid in activity that

constitutes a violation of federal law or is a felony under state or local law. The crime that is furthered by the identity theft must also be proven. Depending on the particular facts pled and proven, federal law calls for maximum penalties of five to 30 years in prison.

In addition, Congress enumerated certain felonies, which, if facilitated by the transfer, possession, or use of stolen identification, can result in enhanced penalties. In such cases,



federal prosecutors may charge defendants under the Aggravated Identity Theft Statute, which provides for a mandatory minimum sentence

of two years in federal prison to be served consecutive to any other sentence imposed.

The decision to prosecute an identity theft crime under federal law is made on a case-by-case basis. Generally, however, cases pursued at the federal level are those resulting in a minimum loss of \$50,000 and involve numerous victims, criminal conduct across multiple states, the use of document or device-making equipment, or suspects with prior convictions for a similar offense.

If you are aware of a case involving identity theft that you believe is well suited for federal prosecution, call the Minneapolis Federal Bureau of Investigations at 612-376-3200. If you have general questions regarding the federal prosecution of those cases, contact Assistant United States Attorney Michelle Jones or Joe Dixon, at the U.S. Attorney's Office in Minneapolis, at (612) 664-5600.



From the Desk of...

B. Todd Jones
United States Attorney

In the last issue of *The EAGLE*, we highlighted the prescription drug abuse problem facing the nation. According to the 2009 National Survey on Drug Use and Health, more Americans currently abuse prescription drugs than those who abuse cocaine, hallucinogens, and heroin combined. Studies also indicate that a majority of abused prescription drugs are obtained from family and friends and, not uncommonly, home medicine cabinets. Many of these drugs are nothing more than the remains of expired prescriptions. But to a teen or adult who is hooked or in search of quick cash, they are "jackpots" of sorts.

To address this issue, the Drug Enforcement Administration ("DEA") and its partners developed a plan for getting rid of unused medication. The plan calls for a day when folks across the nation can drop off medication at various collection sites, knowing it will then be properly disposed. The first National Prescription Drug Take-Back Day was held last fall. It was an overwhelming

Continued on Page 11

Potential Funding Sources

DOJ, Bureau of Justice Assistance (BJA)
www.ojp.usdoj.gov/BJA

DOJ, Office of Juvenile Justice and Delinquency Prevention (OJJDP)
www.ojjdp.ncjrs.org

DOJ, Office of Victims of Crime (OVC)
www.ojp.usdoj.gov/ovc

DOJ, Office of Justice Programs (OJP)
www.ojp.usdoj.gov

Other federal grants
www.grants.gov

Tips for Thriving in Tough Times

No segment of society was unaffected by the recent economic downturn. While reports suggest better times ahead, we cannot help but be reminded about the importance of operating organizations at peak efficiency to ensure survival in difficult times. Below are tips you may find helpful for the promotion of your organization. The U.S. Attorney's Office has compiled brochures with more in-depth information about each of these topics. These brochures can be found on our website, at www.justice.gov/usao/mn/publications.html, or a hard copy can be provided upon request.

Grant Writing

Tight local budgets make grants more attractive but also more competitive. Therefore, writing a strong grant applications is essential. Most grant applications focus on eight components. Address those areas effectively, and you will increase your chances of receiving grant awards. The following tips may help you secure the funding you need.

- 1. Summary or Abstract**—Write this section of the application last even though it is usually found at the beginning of a completed proposal. This component should be comprised of two or three statements from each of the other components.
- 2. Applicant Description**—Use this section to establish credibility with the funder. To do so, describe (a) your qualifications to perform the proposed initiative; (b) your success in operating similar programs in the past; (c) your suitability for working with those who will benefit from the initiative; and (d) your related accomplishments in the past. Support your statements with cited statistical data from reliable sources.
- 3. Problem Statement**—Through this component, you should (a) identify the problem; (b) describe how a solution would benefit those served by the grant; (c) document the most likely causes of the problem; (d) list possible solutions to the problem; (e) recommend one of those solutions; (f) explain why that solution would best solve the problem within a reasonable amount of time and for a reasonable amount of money; (g) make a case for why you should get an opportunity to work on the problem; (h) provide research and/or statistics to support the theories offered; and (i) include quotes from potential beneficiaries of the grant.
- 4. Solution Objectives**—In this section, offer the funder specifics, in measurable terms, as to the change that would occur through the proposed program. For example, indicate the number of people expected to benefit or the percentage of improvement projected during a certain period of time. Be sure to provide a sound basis for your projections.



- 5. Program Outline**—Through this component, you should describe in detail the methods, action plan, and timeline that will be used to address the problem. You should include (a) a description of the participants, or stakeholders, in the initiative; (b) a plan of action, detailing the work that will be done through the initiative as well as the participants responsible for doing that work; (c) a time line, outlining the time period during which each activity will be completed; (d) a staffing plan, explaining how the project is to be staffed; and (e) a training agenda, providing information about how staff members will be trained.
- 6. The Evaluation**—This component is used to explain how the objectives will be quantitatively assessed. To accomplish this, the applicant should (a) document who will design and conduct the evaluation; (b) explain the data-gathering methods that will be used, such as surveys or focus groups; and (c) describe how the data will be analyzed and the evaluation reports generated.
- 7. Budget Details**—In this section, set forth in dollars and cents exactly what the proposed program will cost during a given period of time. To accomplish this, address the cost of all activities and staff noted in the Program Outline. In grant budgets, personnel costs and non-personnel costs usually are separated.
- 8. Sustainment Plan**—Through this component, explain how the proposed program will continue to exist after the grant period ends. How will it be funded? How will activities get accomplished? Funders prefer to support efforts designed to continue long after their financial support ceases.

Regardless of the funder or the names or labels attached to the various portions of a grant application, the eight components outlined above should always be addressed.

For more tips on grant writing, see the [Tips for Grant Writing](#) brochure, available on our website.



Community Meetings

Many community groups are created simply to provide a governmental body or a corporate board with advice. Such groups may operate without becoming independent, legal entities under the law. These informal community groups lack the power to seek grant money or take legal action on their own. However, they are beneficial in many ways. They can be formed quickly to address specific problems and then just as quickly disbanded. In addition, they do not need to fulfill the legal obligations required of more formal groups, such as creating by-laws or submitting annual reports. The meeting guidelines outlined below are suggestions for informal community groups.

Meeting Notices

The group leader should send to each committee member (voting and non-voting), through the U.S. mail, notice of each committee meeting, postmarked at least ten days prior to the meeting date. Each packet should include (a) a copy of the proposed agenda; (b) minutes of the last meeting; (c) the “to do” list created at the last meeting; (d) current financial reports; and (e) all other documents that will be reviewed or discussed at the upcoming meeting.

Meetings

All meetings should be recorded. The designated minute taker should keep all meeting tapes and bring them to all meetings until the minutes are written and approved.

At every meeting, the group leader should pass around a sign-in sheet, requesting each attendee’s name, address, phone number, e-mail address, and company or agency affiliation. This sheet should then be used to update the membership directory.

At the beginning of every meeting, the ground rules for the meeting should be reviewed; that is, the procedures for being recognized to speak, etc.

Next, the group leader should announce the names of the people eligible to vote at the meeting.

During each meeting, the group leader should develop a “to do” list, outlining each task that needs to be completed, the name of the person who volunteered to complete it, as well as the anticipated completion date. Review of this list should occur at the end of the meeting as well as at the beginning of the next meeting, so the group can stay on track in completing its work.

No committee business should be conducted without a quorum. A quorum requires the presence of a specified number of committee members who are eligible to vote.

No meeting should exceed a known, agreed-upon length.

Only items noted on the agenda in the “meeting notice” packets should be subject to action. Other items may be “discussed,” provided enough time is available to do so, but should not be acted upon until a future meeting, after providing notice.



Committee Membership (Non-Voting and Voting)

Community groups should be inclusive. Thus, after attending just one meeting, people should be considered “new, non-voting committee members.”

“New committee members” should be allowed to become “voting members” at the beginning of a future, agreed-upon meeting, such as the second consecutive meeting they attend.

Once people earn the right to vote, they should retain that right until they miss a specified number of consecutive meetings. At that point, they should be removed from the membership roster and not be sent meeting notices until they again attend a meeting and restart the membership process.

Voting members with a conflict of interest as to a particular issue or situation must excuse themselves from votes relative to that situation or issue. Failure to refrain from voting in such a situation should be grounds for permanent removal from the group.

All group decisions should be made by a majority vote of eligible voters in attendance. Voting by proxy should not be allowed. All votes should be determined by a hand count or a private ballot. No decisions should be made by voice vote.

While strict meeting rules, such as Roberts Rules of Order, may be appropriate and even mandatory for some types of committees or groups, informal community groups are often better served without them. Many citizens are intimidated by detailed, complex meeting rules.

For more guidance on community meetings, see the [Community at Work](#) manual, available on our website.

Public Relation Tips for Groups

Because groups often depend on the financial and resource support of others, group members must learn to promote their good works. The following tips may be helpful in small-group promotional work.

- Create a calendar of your group’s up-coming special events.
- Establish a list of “community” reporters from area newspapers, radio, and television.
- One week before each special event, send an advisory to those reporters, briefly describing the event and providing a contact name and phone number.
- Follow the advisory with a phone call to those reporters.
- After each special event, send reporters a news release, detailing the “who,” “what,” “when,” “where,” “why,” and “how” of the event.

For a sample news release and other helpful advice, see the [Community at Work](#) manual, available on our website.



Prosecuting Federal Gun Crimes

Prohibited Firearms under Federal Law

Federal law prohibits anyone from possessing the following firearms—

- firearm that lacks a serial number or contains an altered or an obliterated serial number
- firearm or ammunition or explosive that is stolen

In addition, federal law prohibits anyone from possessing the following firearms without first obtaining a tax stamp—

- machine gun
- short barreled shotgun
- short barreled rifle
- firearm silencer

Anyone found possessing these firearms unlawfully may serve between five and ten years in federal prison.

Remember, state law may differ from federal law. For example, even though it is not prohibited by federal law, Minnesota law makes it illegal for people, other than Class 3 dealers, to possess firearm silencers. For this reason, it is imperative law enforcement officials know the laws of their jurisdiction.

It is against federal law for—

- (A) a prohibited person
- (B) to possess or receive a firearm or ammunition
- (C) that has been transported across a state line at any time.



Prohibited Persons

- Convicted felons whose rights have not been restored;
- Fugitives from justice;
- Illegal aliens or a lawfully admitted aliens under a non-immigrant visa;
- Dishonorably discharged military veterans;
- Unlawful drug users;
- Persons who have been judged as mentally defective or committed to a mental health institution;
- Anyone subject to a domestic restraining order; or
- Anyone with a prior conviction for domestic assault

Armed Career Criminal

A prohibited person who is found in possession of a firearm after having been previously convicted in either state or federal court of three or more “violent crimes” or “serious drug crimes” may be prosecuted federally as an armed career criminal.

Predicate “Violent Crimes”

- Burglary
- Arson
- Extortion
- Involves the use of explosives
- Otherwise involves conduct that presents a serious potential risk of physical injury to another; or
- Has as an element the use, attempted use, or threatened use of physical force against the person of another

Predicate “Serious Drug Offenses”

- An offense under state law involving manufacturing, distributing, or possessing with intent to manufacture or distribute for with a maximum term of imprisonment of 10 years
- An offense under the Controlled Substance Act, Controlled Substances Import and Export Act, or Title 46 Chapter 705, with a maximum term of imprisonment of 10 years or more

Statutory Sentencing Enhancement

Anyone who qualifies as an armed career criminal will face a mandatory minimum sentence of 15 years in federal prison.



PROJECT EXILE MINNEAPOLIS

Since the inception of Project Exile Minneapolis on July 22, 2010, the U.S. Attorney's Office has indicted 13 individuals on federal gun charges. As part of a city-wide effort to reduce gun violence, Project Exile Minneapolis is a law enforcement initiative through which the Minneapolis Police Department and the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") work together to apprehend serial criminals for violations of gun laws. Then, the Hennepin County Attorney's Office teams up with the U.S. Attorney's Office to determine where those offenders will most effectively be prosecuted—state or federal court. Those determinations are based on the offenders' criminal histories and current charges, among other factors.



For example, federal law provides for a mandatory minimum sentence of 15 years in federal prison for anyone convicted as an armed career criminal. An armed career criminal is someone who has been convicted three or more times for violent crimes or serious drug crimes and is subsequently found in possession of a firearm or ammunition.

The U.S. Attorney's Office also focuses on cases involving defendants with long criminal histories or cases involving a defendant who possessed a firearm during the commission of another felony. Of the 13 individuals indicted as a result of this initiative, three have pleaded guilty and two have been convicted by a federal jury.

PROJECT EXILE SUCCESS

U.S. v. CALVIN LORENZO HARRIS

The first federal indictment arising out of Project Exile Minneapolis was unsealed on September 13, 2010. Calvin Lorenzo Harris was arrested on June 1, 2010, after officers responded to a 911 call reporting one or more individuals with firearms standing in front of a Minneapolis apartment building. Harris dropped a .22-caliber, semi-automatic rifle with a barrel length of less than 16 inches and an overall length of less than 26 inches when he fled into the building upon the arrival of officers.

Harris was previously convicted of first-degree aggravated robbery in Hennepin County in 2004 and third-degree criminal sexual conduct in Hennepin County in 2006. On March 31, 2011, Harris pleaded guilty to one count of being a felon in possession of a firearm. Under federal law, Harris faces a potential maximum penalty of ten years in prison.

U.S. v. MANDEL McDONALD BENSON

On February 10, 2011, Mandel McDonald Benson was found guilty by a federal jury on one count of being a career criminal in possession of a firearm. According to trial evidence, Bloomington police apprehended Benson following a brief chase that was preceded by shoplifting at a local Wal-Mart. At the time of his arrest, Benson was carrying a black bag that contained a .357-caliber revolver with three live rounds of ammunition in the cylinder. Benson was previously convicted for third-degree aggravated robbery in 1992, simple robbery in 1997, and attempted first-degree aggravated robbery in 2000, all in Hennepin County. As a federal armed career criminal, he will face a mandatory minimum sentence of 15 years in federal prison.

U.S. v. EUGENE MAURICE CLANTON

Eugene Maurice Clanton pleaded guilty on February 11, 2011, to one count of being a felon in possession of a firearm and ammunition. He admitted that he struggled with police after becoming belligerent in the Hennepin County Medical Center's pharmacy. During the altercation, the officers seized from him a .32-caliber revolver, loaded with four live rounds. Clanton assaulted one of the police officers and fled the scene before being taken into custody a short time later. Clanton was previously convicted for second-degree assault in 1995, felon in possession of a firearm in 1996, third-degree sale of a controlled substance in 2002, and conspiracy to possess with intent to distribute crack cocaine in 2004. Because of this criminal history, Clanton pleaded guilty as an armed career criminal and will face a statutory sentencing enhancement of a mandatory minimum of 15 years in federal prison.



Indian Country News

Understanding P.L. 280 and Indian Country Jurisdiction

More than 200 years of legislation and jurisprudence regarding the proper legal authority in Indian Country has resulted in complicated jurisdictional issues whenever law enforcement encounter a case involving a Native American. While trying to ensure the safety and well-being of Indians and non-Indians alike, Congress has grappled with issues regarding the laws that apply in Indian Country, responsibility for enforcing those laws, and balancing law enforcement and deference to tribal self-governance.

Federal Government Jurisdiction

Historically, matters in Indian Country were handled solely by tribal governments and the federal government. In fact, a Supreme Court decision in 1832 held that state governments possessed no rights to handle Indian affairs. It wasn't until 1948 that states had any influence in Indian Country.



That year, Congress passed the Assimilative Crimes Act, which, through the Major Crimes Act, allows for the laws of the state where the Indian Reservation was located to be enforced against Indians. However, it was still left to the federal government to enforce those laws. On reservations under federal jurisdiction, the U.S. Bureau of Indian Affairs, the Federal Bureau of Investigation, and the U.S. Attorney's Office are the primary law enforcement authority, in addition to Tribal Law Enforcement. They also investigate and enforce laws pursuant to the federal Major Crimes Act and the Indian Country Crimes Act, as well as other crimes, such as murder committed by Indians against Indians.

State Jurisdiction

In 1953, Congress passed Public Law 280. This law mandated certain states assume jurisdiction over many civil matters as well as all crimes committed by Indians in Indian Country. Minnesota was one of the original six states obligated to the jurisdiction transfer, excluding the Red Lake Indian Reservation. (The Nett Lake Reservation was excluded later.) Under P.L. 280, local sheriffs and county prosecutors are the primary law enforcement authorities, and criminal matters involving Indians and occurring on reservations are tried in state court.

Tribal Jurisdiction

American Indian tribes also established their own law enforcement and judicial systems. The work of the tribal courts became so well respected that Congress enacted the Indian Reorganization Act of 1934, which established subject areas of legal authority for tribes and tribal courts. P.L. 280 did not abolish the tribal justice system jurisdiction, resulting in concurrent tribal and state jurisdiction on P.L. 280 reservations.

Therefore, tribal governments continue to establish their own civil and criminal codes under the limited authority proscribed to them by Congress under the Indian Civil Rights Act. Tribal courts are limited as to the punishment they may impose, and they do not have criminal jurisdiction over non-Indians. They do, however, have "Duro Fix" authority, meaning they may exercise criminal jurisdiction on their reservations over all Indians, regardless of whether they are members of that particular tribe or not. They may also exercise civil authority over non-members on tribal land to the extent necessary to protect the health, welfare, economic interests, or political integrity of the tribal community.

Tribal Law and Order Act of 2010

The Tribal Law and Order Act, signed into law by President Barack Obama on July 29, 2010, calls for further changes to Indian Country jurisdiction. Among the purposes of the landmark legislation is strengthening tribal law enforcement and enhancing the ability of the U.S. Department of Justice ("DOJ") to prosecute crimes in Indian Country. A crucial feature of the act is a provision providing the opportunity for Indian tribes in P.L. 280 states to request the United States reassume criminal jurisdiction. Upon request, the provision allows DOJ to restore federal jurisdiction in order to allow the federal government to support state and county law enforcement in addressing crime in Indian Country, where crime rates tend to be much higher than that of the general population. DOJ is preparing to release regulations governing the implementation of this provision.

Since the act's enactment, three tribes have requested that the federal government reassume jurisdiction, including the White Earth reservation in Minnesota. If approved, *the state will continue to exercise concurrent*

jurisdiction. The U.S. Attorney's Office will then work closely with both tribal law enforcement and local law enforcement to determine where a case is best suited for prosecution. To that end, the act strengthened the role Tribal Courts may play in criminal prosecutions by increasing the maximum punishment a Tribal

Court may impose from one year in jail to three years, and the maximum fine from \$5,000 to \$15,000.



In accordance with the act, an Assistant U.S. Attorney has been appointed to serve as a tribal liaison for the District of Minnesota. The liaison is responsible for coordinating the prosecution of federal crimes that occur in Indian Country and maintaining working

relationships with tribal leaders, tribal justice officials, and victims' advocates in an effort to gather and share information necessary to address and prevent violent crime in Indian Country. The tribal liaison is available to work with and provide training to any tribe in the state, regardless of its P.L. 280 status. The tribal liaison in the District of Minnesota is AUSA Kim Hare, who may be reached at the U.S. Attorney's Office, at (612) 664-5600.



In the Community...

As part of the continuing outreach efforts of the U.S. Attorney's Office in the local Somali-American community, B. Todd Jones, the United States Attorney, recently spoke about material support statutes, hate crimes, and civil rights enforcement at a Community Engagement Roundtable held at the Abubaker As-Saddique Islamic Center in Minneapolis and hosted by the U.S. Department of Homeland Security ("DHS"), Office for Civil Rights and Civil Liberties. Representatives from various Somali-American community organizations raised their concerns and had their questions answered by the U.S. Attorney and representatives of DHS, FBI, local law

enforcement, and other agencies. The next meeting will be hosted at the end of May by the Hennepin County Sheriff's Office.

The U.S. Attorney also continues to meet with the Somali-American Youth Advisory Council, a group of emerging leaders in the Somali-American community who are being empowered to connect with their elders, peers, and children on how to be more civically engaged. They will have the opportunity to learn more about civil rights issues and how to conduct their own outreach by participating in a civics workshop at the U.S. Attorney's Office in Minneapolis on Saturday, June 11.



U.S. Attorney B. Todd Jones (top, second from the right) met with representatives from the Somali-American community at a Roundtable event on April 2, 2011, at the Abubaker As-Saddique Islamic Center in Minneapolis.

FBI Chief Ralph Boelter Accepts Position in Washington



FBI Special Agent in Charge Ralph S. Boelter (left) and First Assistant U.S. Attorney John R. Marti (right).

Special Agent in Charge Ralph S. Boelter has left his post as chief of the Minneapolis FBI office to step into the role of FBI Deputy Assistant Director in Charge of Counterterrorism in Washington, D.C. Since becoming chief of the Minneapolis FBI in January of 2007, Boelter has led the largest counterterrorism investigation since the September 11 attacks. When local Somali families began reporting their sons missing, sometimes disappearing in the middle of the night, Boelter worked to discover that many of them were leaving Minnesota to fight in Africa in support of al-Shabab, a terrorist group with ties to al-Qaida. That investigation has resulted in the indictment of 19 people, five of whom have already pleaded guilty. The success of the investigation has been largely due to Boelter's unconventional

and inspiring community outreach efforts. The U.S. Attorney's Office wishes Boelter the best as he continues to use his extraordinary expertise to serve and protect the country in his new position.

Upgraded Website!

Don't forget to log on to the recently upgraded website for the U.S. Attorney's Office for the District of Minnesota, at www.justice.gov/usao/mn/. There, you will find information about the office, including press releases, publications on a variety of topics, and links to other websites. The 2010 Annual Report summarizing the Office's work the past year is also available on the site.

Upper Midwest Community Policing Institute

The U.S. Attorney's Office is proud to partner with the Upper Midwest Community Policing Institute ("UMCPI"), a Minnesota-based organization that provides tools, resources, and training to improve public safety agencies. UMCPI offers training on a variety of topics, ranging from law enforcement ethics to school safety to counterterrorism. Included below is a sampling of courses. While these trainings focus on Indian Country law enforcement, UMCPI has an expansive offering, as listed on its website, at www.umcpi.org.

Tribal Community Engagement—explores the benefits of collaboration and the role of culture in forming partnerships that allow tribal police officers to implement policing strategies that strengthen partnerships for safer communities.

Native American Training Series I & II—introduces attendees to the COPS Native American Training Series. This program is designed for both tribal law enforcement and community members who are concerned about crime and quality of life in their communities. In Series I, participants learn how to use the three tenets of community policing (problem-solving, partnership, and organizational transformation) to address concerns such as tribal community engagement, underage drinking, graffiti on tribal lands, disorderly youth, domestic violence, reducing crime and disorder through problem solving partnerships, and community policing basics. Topics in Series II include bullying in schools, early intervention systems, gangs, school crime and violence, school safety, and school resource officers.

A Culturally-based Approach to Tribal Policing—examines current issues in the Native American community and illustrates how law enforcement officers can positively police in tribal environments. Native American culture, organizational transformation, and partnership development are featured.

Reducing Domestic Violence in Indian Country—explores the dynamics of domestic violence in Indian Country and assists participants in identifying strategies in the intervention and reduction of domestic violence through community partnerships and effective investigative processes. It provides training in investigative techniques including assessment, documentation, and dealing with special populations and situations. This course is recommended for tribal police officers, police, EMT/first responders, emergency room personnel, social services, community based advocates, public health and mental health persons.



Health Care Fraud

A Nationwide Problem

On March 23, 2010, President Barack Obama signed into law the Patient Protection and Affordable Care Act ("PPACA"). This monumental piece of legislation calls for significant changes to the American health care system. It will be another three years before the statute takes full effect. However, many of its anti-fraud measures are now being implemented nationwide.

The National Healthcare Anti-Fraud Association estimates about three percent of annual healthcare spending is lost to fraud, which calculated to \$39 billion in 2009 alone. Even if that loss could only be cut in half, U.S. taxpayers would still save \$2 trillion throughout the next 10 years—more than twice the estimated cost of the new health care reform.

While the fight against health care fraud has been reinvigorated through the PPACA, federal investigators and prosecutors have been pursuing health care fraudsters for quite some time. In 2009, the Federal government won or negotiated approximately \$1.63 billion in health care fraud judgments and settlements. In 2010, that figure rose to \$2.5 billion, which was accompanied by an increase in the number of related investigations, criminal charges filed, and defendants convicted.

The U.S. Attorney's Office for the District of Minnesota is proud of its efforts to combat health care fraud and pledges continued hard work in this area.

In Minnesota, the U.S. Attorney's Office continues to fight health care fraud occurring within the state through criminal prosecutions, civil litigation, and sometimes both. In addition, the office is participating in a multi-agency task force, which includes the Medicaid Fraud Control Unit of the Minnesota Attorney General's Office, the U.S. Department of Health and Human Services-Office of Inspector General, the Federal Bureau of Investigation, the Internal Revenue Service, and other federal, state, and local law enforcement partners. The task force focuses on home health care fraud, a prevalent health care fraud in the state.



The Department of Justice may bring civil enforcement proceedings under a variety of federal laws, including the False Claims Act, the Anti-Kickback Statute, the Stark Law, and HIPAA. Under these laws, fraudsters can face civil monetary penalties, treble damages, and equitable and injunctive relief. These remedies are not available in most criminal actions.

In addition, a Civil Fraud Unit has been established within the U.S. Attorney's Office Civil Division. The work of the unit will complement all financial fraud prosecutions handled by the office's Criminal Division, including health care fraud. Under the Anti-Fraud Injunction Act, the unit can halt on-going criminal fraud and freeze assets even before indictments are filed. Also, the unit can collaborate with the Civil Division's Asset Forfeiture Unit to freeze and seize money in criminal cases for use as restitution to the defrauded health care programs.

The cases below illustrate some of the health care fraud work of the U.S. Attorney's Office Criminal Division.

Owners of Two Home Health Care Agencies Indicted

On April 12, 2011, Samuel Akoto Danso and Harry Kwabena Ossei were indicted federally with conspiring to defraud Medicaid and obtaining money by submitting false claims for Medicaid payments through their home health care agencies. In 2003, Ossei was excluded from participating in Medicare, Medicaid, and all other federal health care programs for 15 years after he pled guilty to one count of health care fraud. Allegedly, Ossei nonetheless continued to participate in the Medicaid program, with Danso agreeing to hide the income derived from that participation. Together, the two men allegedly submitted false reimbursement claims for Personal Care Assistance ("PCA") services paid for by Medicaid. They then purportedly provided payments to personal care assistants and Medicaid recipients in exchange for their participation in the phony PCA service arrangements. On many occasions, Danso and Ossei allegedly used without lawful authority the identification of others in connection with the fraud. The indictment charges both Danso and Ossei with one count of conspiracy to commit health care fraud, one count of conspiracy to commit money laundering, 15 counts of health care fraud, and eight counts of aggravated identity theft in relation to health care fraud.

First Prosecution in Minnesota for HIPAA Violation

A federal indictment filed on April 12, 2011, charges Autumn Lee Wright with violating the Health Insurance Portability and Accountability Act ("HIPAA"), the first case of its kind brought in Minnesota. According to the indictment, Wright, a former employee of a health care provider in Rochester, wrongfully obtained a patient's demographic information, medical history, and other information relating to the patient's past and present physical and mental health. She then purportedly disclosed that information to an adult male, and it was used to cause malicious harm to the patient. Wright is charged with one count of wrongfully obtaining individually identifiable health information and one count of wrongfully disclosing individually identifiable health information.

Care Provider Charged with Taking Narcotics from Patients

Margaret Alice Mammen, a care provider at a senior assisted living facility in Burnsville, was federally charged in April of 2011 with one count of obtaining a controlled substance by fraud. According to the Information, Mammen took Oxycontin from patient rooms for her own use and replaced it with ibuprofen.



Combating Illegal Immigration Through ICE's Criminal Alien Program

The U.S. Immigration and Customs Enforcement ("ICE") agency always has been dedicated to promoting public safety through the enforcement of



federal laws governing immigration. To further that mission, ICE has prioritized investigating cases involving illegal aliens with serious criminal records. The Criminal

Alien Program ("CAP") is a nationwide effort that allows ICE deportation officers to identify, process, and remove criminal aliens incarcerated in federal, state, and local prisons and jails throughout the country. The purpose of the initiative is to prevent criminal aliens from being released into the general public. The program often allows authorities to secure a final removal order prior to termination of a criminal alien's sentence.

In Minnesota, the employment of CAP recently has been expanded to include detention facilities located in counties outside of Ramsey and Hennepin. In addition, a Special Assistant U.S. Attorney has been placed in the U.S. Attorney's Office to increase the potential caseload of prosecutions resulting from ICE investigations. Prosecutions remain focused on aliens found in Minnesota who were previously deported subsequent to being convicted of an aggravated felony.

The following cases serve as examples of the types of dangerous criminals removed from the streets of Minnesota as a result of CAP.

U.S. v. Salvador Landa-Meraz

On April 14, 2011, Salvador Landa-Meraz was sentenced to 32 months in prison on one count of illegal re-entry after deportation. Landa-Meraz was found in the U.S. despite being deported to Mexico in 2007 following a conviction in Stearns County for second-degree assault with a dangerous weapon. He was arrested on July 16, 2010, by St. Cloud police for driving while intoxicated and was in jail when he was identified as an illegal alien through CAP.

U.S. v. Cesar Ortiz-Castillo

On April 12, 2011, Cesar Ortiz-Castillo pleaded guilty to one count of illegal re-entry after deportation. On July 23, 2010, Ortiz-Castillo was found in the U.S. after having been previously deported to Mexico following a 2009 Hennepin County conviction for terroristic threats. Ortiz-Castillo was identified as an illegal alien through CAP while in Ramsey County jail following his recent arrest, which was for violating probation. He admitted paying a smuggler \$3,500 to get him into the country via the Arizona border.

U.S. v. Anselmo Mendez-Madrid

On March 28, 2011, Anselmo Mendez-Madrid pleaded guilty to one count of illegal re-entry after deportation. Mendez-Madrid was found in the U.S. illegally after having been previously deported to El Salvador following a 1997 California conviction for attempted murder. He was identified through CAP after being arrested for third-degree riot, unlawful assembly, and disorderly conduct.

18 U.S.C. § 1326 Re-entry after Deportation

It is against federal law for any alien to enter, attempt to enter, or at any time be found in the U.S. if they have been denied admission or have been excluded, deported, or removed, or if they departed the U.S. while an order of exclusion, deportation, or removal was outstanding.

The maximum penalty for re-entry after deportation is a fine, maximum imprisonment of two years, or both.

If removal was subsequent to being convicted of three or more misdemeanors involving drugs, crimes against a person, or a felony, the maximum sentence is increased to 10 years in prison.

The penalty is increased to a maximum of 20 years imprisonment if deportation was subsequent to conviction for an aggravated felony, such as murder, rape, sexual abuse of a minor, drug-trafficking crimes, illicit trafficking in firearms or destructive devices or explosive materials, money laundering, and prostitution crimes.



About ICE

Nationwide, illegal reentry after deportation is the most prosecuted federal offense, and it is primarily the responsibility of ICE to investigate those cases. However, as the second largest investigative agency in the federal government, ICE is tasked to investigate matters beyond immigration, including violations of federal law related to border control, trade, and customs. For this reason, ICE is composed of two investigative divisions, namely ICE Enforcement and Removal Operations ("ICE ERO") and ICE Homeland Security Investigations ("ICE HSI"). Cases from both areas are

prosecuted by the U.S. Attorney's Office.

ICE ERO

Immigration matters are handled by the ICE ERO division. Its agents are responsible for identifying and apprehending removable aliens, detaining those individuals when necessary, and removing from the U.S. illegal aliens who have been ordered deported.

ICE HSI

ICE HSI is responsible for the investigation of a wide range of domestic and international activities arising from the illegal move-

ment of people and goods into, within, and out of the U.S. These investigations may involve human rights violations, human smuggling, the smuggling of narcotics and weapons, financial crimes, cybercrime, and export enforcement issues.

On April 15, 2011, eight individuals were sentenced for trafficking counterfeit goods from suppliers in China, as a result of investigation by ICE HSI. Police seized 123 counterfeit NFL jerseys, 13 counterfeit NHL jerseys, and four counterfeit NFL t-shirts from one of the defendant's Alexandria-based store, Sports-minded.

Civil Rights Enforcement

The U.S. Attorney's Office for the District of Minnesota has successfully litigated cases involving—

- Hospitals for failure to provide effective communication to deaf patients;
- State and local governments for failure to make reasonable accommodations in police services and park and recreation programs;
- Private sector entities that fail to remove physical barriers to facilities;
- Landlords for denying rental housing to people of color and tenants with service and assistance animals;
- Testing entities that fail to provide accommodations to test takers who are disabled;
- Developers who illegally prevent group homes for the disabled in residential subdivisions;
- School districts that systematically fail to prevent bullying of female or gay students.

The Declaration of Independence, signed in 1776, stated, "We hold these truths to be self-evident: That all men are created equal..." Yet, for many Americans, liberty, justice, and equality have been elusive. Even here in "progressive" Minnesota, discrimination has led to discriminatory behavior. For example, on the eve of World War II, the national leaders of the Silver Shirts movement chose this state as their gathering site. The movement's founder referred to himself as the "American Hitler," and his followers attacked Jews in the most virulent anti-Semitic terms.

Most Minnesotans, however, like most Americans, have opposed these acts of violence, hatred, and injustice. In fact, Minnesotans have often been at the forefront of the fight against discrimination. In the 1940's, the Minneapolis City Council passed the nation's first open-housing law, which became the model for the federal Civil Rights Act of 1964. Moreover, it was Minnesota's own Hubert H. Humphrey who, in 1948, challenged the nation to "Get out of the shadows of the states' rights and walk forth-rightly into the bright sunshine of human rights."



Hubert H. Humphrey

When Congress creates statutes protecting civil rights, it is then the responsibility of U.S. Attorneys nationwide to ensure those protections are secured. To aid in accomplishing this mission, the U.S. Attorney's Office for the District of Minnesota has established a Civil Rights Unit to enforce civilly federal statutes prohibiting discrimination on the basis of race, sex, religion, disability, national origin, and other protected characteristics. The office has successfully litigated and resolved cases in a variety of contexts, including fair housing, access to public accommodations, and law enforcement misconduct.

In fact, the office has received national recognition for its civil rights enforcement work.

The office also has partnered with the University of Minnesota to launch a Civil Rights Enforcement Clinic. Starting in the Fall of 2011, University of Minnesota law students will receive academic credit for working on civil rights enforcement cases in the U.S. Attorney's Office. Students in the clinic will work closely with Assistant

U.S. Attorneys on investigation tactics, evidence gathering, pleading drafting, deposition preparation, document review, legal research, litigation strategy, and settlement negotiations.

The U.S. Department of Justice has jurisdiction to file civil rights suits pursuant to a number of federal statutes, including—

- **The Fair Housing Act**—prohibits discriminatory housing practices based upon race, color, religion, sex, disability, national origin, and familial status. The U.S. Attorney and DOJ are authorized to bring a lawsuit if they find a pattern or practice of unlawful conduct, or if the matter raises an issue of public importance. DOJ may also litigate cases on behalf of private citizens who elect such action upon a finding of reasonable cause by the U.S. Department of Housing and Urban Development.
- **The Americans with Disabilities Act ("ADA")**—prohibits discrimination on the basis of disability in many contexts, including state and local government activities, places of public accommodation, transportation, and telecommunications. DOJ is authorized to investigate certain complaints, conduct compliance reviews to ensure accessibility, initiate and intervene in litigation, and provide technical assistance to businesses, governments, and the general public to promote compliance with the ADA.
- **The Servicemembers Civil Relief Act**—protects military personnel in areas such as housing and credit while they are deployed.
- **The Uniformed Services Employment and Reemployment Rights Act**—prohibits employers from discrimination or retaliating against an employee or an applicant for employment because of such person's past, current, or future military obligations.
- **Title IX of the Civil Rights Act**—prohibits sex discrimination in federally funded educational programs and activities. Interpreted to cover bullying based on sex and sex stereotypes.
- **Religious Land Use & Institutionalized Persons Act**—protects the religious exercise of religious assemblies and institutions in the context of local zoning and land use laws. It also protects the religious exercise of inmates and other persons confined to certain institutions.



Crime Victims' Rights

April 10-16, 2011, marked the annual National Crime Victims' Rights Week. This year, the U.S. Attorney's Office partnered with the Federal Crime Victims' Task Force to sponsor a Resource Fair Event in the lobby of the Federal Courthouse in Minneapolis. The Office's Victim Witness Specialists and representatives from the Federal Bureau of Investigations and United States Postal Service spent the day answering questions and handing out resources about Victims' rights and assistance.



The Victim Witness Specialists at the U.S. Attorney's Office can assist victims or inquiring law enforcement officers with navigating the variety of services and resources available to help crime victims. Knowing help is available can make being a victim less frightening and can help victims begin the healing process.

For example, in federal court, a convicted offender may be ordered to pay restitution in order to reimburse victims for financial losses incurred as a result of the offender's crime. Restitution may be ordered for lost income, property damage, counseling, medical expenses, and funeral costs. In addition, a person who has been physically or emotionally injured as a result of a violent crime may be eligible for financial assistance through the Minnesota Crime Victims Reparations Board. For more information, see the [Victim Services](#) brochure, available on our website.

Milestones for Crime Victims in Minnesota

1971	First rape crisis program is established in Minneapolis, and first battered women's shelter opens in St. Paul.
1974	Crime Victims Reparations Board is created to provide financial compensation to victims of violent crimes.
1976	First prosecutor-based victim assistance program is established in the Saint Louis County Attorney's Office in Duluth.
1983	The Crime Victim Bill of Rights is passed, the first law providing comprehensive crime victim rights
1985	Statute establishing the Office of Crime Victim Ombudsman ("OCVO"), the first victim rights compliance office in the nation, is passed.
1988	Right to give a victim impact statement becomes law.
2003	OCVO is renamed the Crime Victim Justice Unit and incorporated into the Office of Justice Programs.
2008	Domestic abuse victims may get an order for protection extended for up to 50 years.

B. Todd Jones, U.S. Attorney

Continued from Page 1

success. More than 242,000 pounds—121 tons—of prescription drugs were collected nationwide at the nearly 4,100 drop-off sites.

On April 30, 2011, DEA will host its second National Prescription Drug Take-Back Day. The event will take place from 10:00 a.m. to 2:00 p.m. Your nearest collection site can be found by visiting www.dea.gov, and clicking on the "Got Drugs?" icon. The service is free and anonymous. And, this year, it will be open to long-term care facilities.

Four days after the first Take-Back event, Congress passed the Secure and Responsible Drug Disposal Act of 2010,

which amends the Controlled Substances Act to allow an "ultimate user" of controlled substance medications to dispose of them by delivering them to entities authorized by the Attorney General. It also allows the Attorney General to authorize long-term care facilities to dispose of their residents' controlled substances in certain instances.

To read the prescription drug article from the last issue of *The EAGLE*, visit our website, at www.usdoj.gov/usao/mn, and click on the Office Publications link on the Resources page.

Victim Bill of Rights

Federal law accords victims of federal crimes certain rights, including—

- The right to be treated with fairness and respect;
- The right to be reasonably protected from the accused;
- The right to be notified of court proceedings;
- The right to be present at all public court proceedings unless the court determines that the victim's testimony would be materially affected if he or she heard other trial testimony;
- The right to confer with government attorneys assigned to the case;
- The right to be heard at any public proceeding in the district court involving release, plea, or sentencing;
- The right to proceedings free from unreasonable delay;
- The right to restitution, if applicable; and
- The right to information about the offender's conviction, sentencing, imprisonment, and release.



Upcoming Law Enforcement Training

Minnesota Bureau of Criminal Apprehension

Terrorism Awareness and Prevention (TAP) Train the Trainer
POST Course # 02-2117: This two hour course is available for multi-housing officers to provide them the resources to deliver the one hour Terrorism Awareness Program (TAP) public awareness presentation to rental property managers/owners. Course is free. Two credit hours.

- June 8, 2011— Alexandria (site to be determined)
- September 22, 2011— Plymouth, Plymouth Fire Department
- November 22, 2011— Marshall (site to be determined)

Training available through the BCA. Call the BCA at (651) 793-1100, or visit www.bca.state.mn.us and click on the training link.

Minnesota County Attorneys Association

Ethics and Elimination of Bias Training for Gov Attorneys

- June 17, 2011, 9a.m. to 3:15p.m.—County Attorneys Association Office, 100 Empire Drive, St. Paul.

Minnesota Office of Justice Programs

Conference on Crime and Victimization: *Building Leadership, Strength and Unity.*

This event brings professionals together to review current research, improve skills, share information, and network with peers. The conference allows participants the opportunity to discuss and strategize ways to address barriers to providing high-quality services.

- May 25-27, 2011—Cragun's Conference Center, Brainerd.

www.usdoj.gov/usao/mn

U.S. Attorney's Office
District of Minnesota
600 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Phone: 612-664-5600
Fax: 612-664-5787

Watch the website for
upcoming training and
current press releases.
Call Jeanne Cooney,
at (612) 664-5600, with
training suggestions.

THE EAGLE

B. Todd Jones, U.S. Attorney

Jeanne F. Cooney, Community Relations Coordinator, Editor, Researcher, and Writer

Kristina Sjostrom, Researcher and Writer

Please convey your comments or suggestions to Jeanne Cooney, at (612) 664-5611,
or e-mail her, at jeanne.cooney@usdoj.gov

THE EAGLE

U.S. Attorney's Office
600 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

First Class Mail
Postage & Fees
PAID
U.S. Attorney's
Office
Permit G-782

